

FILED 10 JUL 26 11:59AM '10 USDC ORP

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

TONI L. TOOHEY, individually, and as  
Personal Representative of the Heirs and the  
Estate of FRANK R. TOOHEY, Deceased,

Plaintiff,

ORDER

v.

Civil No. 09-88-ST

THE WYNDHAM WORLDWIDE  
CORPORATION HEALTH & WELFARE  
PLAN, EMPLOYEE BENEFITS  
COMMITTEE WYNDHAM WORLDWIDE  
CORPORATION, LIFE INSURANCE  
COMPANY OF NORTH AMERICA, and  
WYNDHAM WORLDWIDE  
CORPORATION,

Defendants.

---

HAGGERTY, District Judge:

Magistrate Judge Stewart referred to this court a Findings and Recommendation [97] in this matter. The Magistrate Judge recommends that plaintiffs' Motion for Summary Judgment [69] and defendants' Motion for Summary Judgment [73] be granted in part and denied in part. No objections were filed, and the case was referred to this court.

ORDER - 1

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate.

*Campbell v. U.S. Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

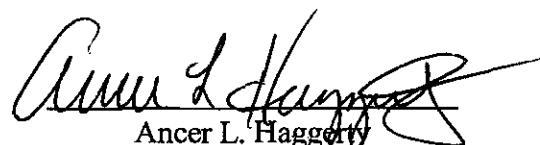
No clear error appears on the face of the record. This court adopts the Findings and Recommendation.

**CONCLUSION**

The Findings and Recommendation [97] is ADOPTED.

IT IS SO ORDERED.

Dated this 26 day of July, 2010.



Aancer L. Haggerty  
United States District Judge